

Application No. 10/620,600
Art Unit: 3673

Attorney Docket No. 22562.00
Confirmation No. 9288

REMARKS

By the present amendment, Applicant has amended Claims 1 and 4. Claims 2, 3, 5 and 6 have been cancelled. Claims 1 and 4 remain pending in the present application. Claim 1 is the only independent claim.

In the recent Office Action the Examiner rejected Claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,994,094 to Hester.

The cancellation of Claims 2, 3, 5 and 6 by the present amendment serves to render the rejection moot with respect to these claims. Regarding the remaining claims, Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Applicant's invention is drawn to a fitted sheet, which sheet is modified to provide a more secure fit on a mattress. Amended independent claim 1 calls for, in part, a modified sheet having a flat panel. The flat panel is described as having at least one end panel and one side panel depending therefrom. The side panel and the end panel being continuous and intersecting at a corner. The claim further calls for a hem (16a in the drawings) made from elastic material, which hem has one side attached to the side panel and another side attached to the end panel so that the hem forms a pocket adapted to receive the end of a mattress. A triangular-shaped panel is defined as having two sides attached in their entirety to the hem whereby the pocket is enlarged. Dependent claim 4 further recites that the triangular-shaped panel is

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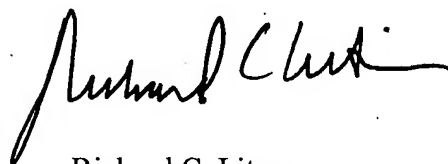
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fabricated from cloth.

In contrast, the Hester patent discloses elastic hems 36, 37 secured along respective end panels 16 and 18 (col.2, lines 55-70). The patentee does not contemplate attaching the elastic hem to both the side panel and end panel as taught and claimed by Applicant. This may appear to be a small change, but Applicant's arrangement provides a more secure fit to prevent the sheet from slipping and moving on the mattress. Furthermore, it has long been held that small changes in a crowded art should be considered of patentable significance. Applicant respectfully submits that for at least these reasons, Claims 1 and 4 are allowable over the prior art applied of record.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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